



February 20, 2004

ENGROSSED HOUSE BILL No. 1257

DIGEST OF HB 1257 (Updated February 19, 2004 11:06 am - DI 102)

Citations Affected: IC 36-8.

Synopsis: Employment absence for volunteer firefighting. Prohibits a political subdivision employer from disciplining an employee who is a volunteer firefighter for being absent from employment when the employee is responding to a fire or emergency call. Allows the employee to initiate a civil action against the employer that disciplines the employee for this reason. Authorizes the employer to request proof that the employee was engaged in fire or emergency activity when absent.

Effective: July 1, 2004.

Robertson, Bischoff, Ruppel

(SENATE SPONSORS — LANDSKE, LEWIS, LUTZ L)

January 15, 2004, read first time and referred to Committee on Labor and Employment.
January 29, 2004, amended, reported — Do Pass.
February 2, 2004, read second time, ordered engrossed.
February 3, 2004, engrossed.
February 5, 2004, read third time, passed. Yeas 94, nays 0.

SENATE ACTION

February 10, 2004, read first time and referred to Committee on Pensions and Labor.
February 19, 2004, reported favorably — Do Pass.

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EH 1257—LS 7033/DI 96+



February 20, 2004

Second Regular Session 113th General Assembly (2004)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2003 Regular Session of the General Assembly.

ENGROSSED HOUSE BILL No. 1257

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 36-8-12-10.5 IS ADDED TO THE INDIANA
2 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
3 [EFFECTIVE JULY 1, 2004]: **Sec. 10.5. (a) This section does not**
4 **apply to an employee of the state subject to IC 4-15-10-7.**

5 **(b) This section applies to an employee of a political subdivision**
6 **who:**

7 **(1) is a volunteer firefighter; and**

8 **(2) has notified the employee's employer in writing that the**
9 **employee is a volunteer firefighter.**

10 **(c) The political subdivision employer may not discipline an**
11 **employee:**

12 **(1) for being absent from employment by reason of**
13 **responding to a fire or emergency call that was received**
14 **before the time that the employee was to report to**
15 **employment; or**

16 **(2) for leaving the employee's duty station to respond to a fire**
17 **or an emergency call if the employee has secured**

EH 1257—LS 7033/DI 96+



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1 authorization from the employee's supervisor to leave the
2 duty station in response to a fire or an emergency call
3 received after the employee has reported to work.

4 (d) The political subdivision employer may require an employee
5 who has been absent from employment as set forth in subsection
6 (c)(1) or (c)(2) to present a written statement from the fire chief or
7 other officer in charge of the volunteer fire department at the time
8 of the absence indicating that the employee was engaged in
9 emergency firefighting or emergency activity at the time of the
10 absence.

11 (e) An employee who is disciplined by the employer in violation
12 of subsection (c) may bring a civil action against the employer in
13 the county of employment. In the action, the employee may seek
14 the following:

- 15 (1) Payment of back wages.
16 (2) Reinstatement to the employee's former position.
17 (3) Fringe benefits wrongly denied or withdrawn.
18 (4) Seniority rights wrongly denied or withdrawn.

19 An action brought under this subsection must be filed within one
20 (1) year after the date of the disciplinary action.

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Labor and Employment, to which was referred House Bill 1257, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, line 10, delete "An" and insert "**The political subdivision**".

Page 2, line 3, delete "An" and insert "**The political subdivision**".

and when so amended that said bill do pass.

(Reference is to HB 1257 as introduced.)

LIGGETT, Chair

Committee Vote: yeas 9, nays 0.

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COMMITTEE REPORT

Madam President: The Senate Committee on Pensions and Labor, to which was referred House Bill No. 1257, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS.

(Reference is made to House Bill 1257 as printed January 30, 2004.)

HARRISON, Chairperson

Committee Vote: Yeas 8, Nays 0.

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EH 1257—LS 7033/DI 96+

